

AMENDED IN SENATE APRIL 7, 2014

SENATE BILL

No. 1001

Introduced by Senator ~~Knight~~ Morrell

February 13, 2014

An act to amend Section ~~56001~~ 340.3 of the ~~Government Code~~, *Code of Civil Procedure*, relating to ~~local government~~; *civil procedure*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1001, as amended, ~~Knight Morrell~~. ~~Local government~~. *Actions for damages: felony offenses.*

Existing law provides for the time of commencing civil actions other than for the recovery of real property, as specified. Under existing law, unless a longer period is prescribed for a specific action, an action for damages against a defendant based upon the defendant's commission of a felony offense for which the defendant has been convicted is required to be brought within one year after the judgment has been pronounced. Existing law also authorizes an action for damages to be brought within 10 years of the date on which the defendant is discharged from parole if the conviction was for any of certain serious felonies, as specified.

This bill would include a human trafficking offense as a serious felony for which an action for damages against a defendant may be brought within 10 years from the date on which the defendant is discharged from parole, and would make other nonsubstantive changes and update a cross-reference in these provisions.

~~Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and~~

logical formation and modification of the boundaries of local agencies, as specified.

~~This bill would make nonsubstantive changes to these findings and declarations.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 340.3 of the Code of Civil Procedure is
2 amended to read:

3 340.3. (a) Unless a longer period is prescribed for a specific
4 action, in any action for damages against a defendant based upon
5 the defendant's commission of a felony offense for which the
6 defendant has been convicted, the time for commencement of the
7 action shall be within one year after judgment is pronounced.

8 (b) (1) Notwithstanding subdivision (a), an action for damages
9 against a defendant based upon the defendant's commission of a
10 felony offense for which the defendant has been convicted may
11 be commenced within 10 years of the date on which the defendant
12 is discharged from parole if the conviction was for any offense
13 specified in paragraph (1), except voluntary manslaughter, (2),
14 (3), (4), (5), (6), (7), (9), (16), (17), (20), (22), (25), (34), or (35)
15 of subdivision (c) of Section 1192.7 of the Penal Code *or a human*
16 *trafficking offense specified in Section 1192.7 of the Penal Code.*

17 (2) ~~No~~ A civil action ~~may~~ *shall not* be commenced pursuant to
18 paragraph (1) if any of the following ~~applies~~ *apply*:

19 (A) The defendant has received either a certificate of
20 rehabilitation as provided in Chapter 3.5 (commencing with Section
21 4852.01) of Title 6 of Part 3 of the Penal Code or a pardon as
22 provided in Chapter 1 (commencing with Section 4800) or Chapter
23 3 (commencing with Section 4850) of Title 6 of Part 3 of the Penal
24 Code.

25 (B) Following a conviction for murder or attempted murder,
26 the defendant has been paroled based in whole or in part upon
27 evidence presented to the Board of Prison Terms that the defendant
28 committed the crime because he or she was the victim of intimate
29 partner battering.

30 (C) The defendant was convicted of murder or attempted murder
31 in the second degree in a trial at which substantial evidence was

1 presented that the person committed the crime because he or she
2 was a victim of intimate partner battering.

3 (c) If the sentence or judgment is stayed, the time for the
4 commencement of the action shall be tolled until the stay is lifted.
5 For purposes of this section, a judgment is not stayed if the
6 judgment is appealed or the defendant is placed on probation.

7 (d) (1) Subdivision (b) ~~shall apply~~ *applies* to any action
8 commenced before, on, or after the effective date of this section,
9 including any action otherwise barred by a limitation of time in
10 effect ~~prior to~~ *before* the effective date of this section, thereby
11 reviving those causes of action that had lapsed or expired under
12 the law in effect ~~prior to~~ *before* the effective date of this section.

13 (2) Paragraph (1) does not apply to either of the following:

14 (A) Any claim that has been litigated to finality on the merits
15 in any court of competent jurisdiction ~~prior to~~ *before* January 1,
16 2003. For purposes of this section, termination of a prior action
17 on the basis of the statute of limitations ~~does~~ *shall* not constitute
18 a claim that has been litigated to finality on the merits.

19 (B) Any written, compromised settlement agreement that has
20 been entered into between a plaintiff and a defendant if the plaintiff
21 was represented by an attorney who was admitted to practice law
22 in this state at the time of the settlement, and the plaintiff signed
23 the agreement.

24 (e) Any restitution paid by the defendant to the victim shall be
25 credited against any judgment, award, or settlement obtained
26 pursuant to this section. Any judgment, award, or settlement
27 obtained pursuant to an action under this section shall be subject
28 to the provisions of Section ~~13966.01~~ *13963* of the Government
29 Code.

30 ~~SECTION 1. Section 56001 of the Government Code is~~
31 ~~amended to read:~~

32 ~~56001. The Legislature finds and declares it is the policy of~~
33 ~~the state to encourage orderly growth and development that are~~
34 ~~essential to the social, fiscal, and economic well-being of the state.~~
35 ~~The Legislature recognizes that the logical formation and~~
36 ~~determination of local agency boundaries is an important factor~~
37 ~~in promoting orderly development and in balancing that~~
38 ~~development with sometimes competing state interests of~~
39 ~~discouraging urban sprawl, preserving open space and prime~~
40 ~~agricultural lands, and efficiently extending government services.~~

1 The Legislature also recognizes that providing housing for persons
2 and families of all incomes is an important factor in promoting
3 orderly development. Therefore, the Legislature further finds and
4 declares that this policy should be effected by the logical formation
5 and modification of the boundaries of local agencies, with a
6 preference granted to accommodating additional growth within,
7 or through the expansion of, the boundaries of those local agencies
8 that can best accommodate and provide necessary governmental
9 services and housing for persons and families of all incomes in
10 the most efficient manner feasible.

11 The Legislature recognizes that urban population densities and
12 intensive residential, commercial, and industrial development
13 necessitate a broad spectrum and high level of community services
14 and controls. The Legislature also recognizes that when areas
15 become urbanized to the extent that they need the full range of
16 community services, priorities are required to be established
17 regarding the type and levels of services that the residents of an
18 urban community need and desire; that community service
19 priorities be established by weighing the total community service
20 needs against the total financial resources available for securing
21 community services; and that those community service priorities
22 are required to reflect local circumstances, conditions, and limited
23 financial resources. The Legislature finds and declares that a single
24 multipurpose governmental agency is accountable for community
25 service needs and financial resources and, therefore, that agency
26 may be the best mechanism for establishing community service
27 priorities especially in urban areas. Nonetheless, the Legislature
28 recognizes the critical role of many limited purpose agencies,
29 especially in rural communities. The Legislature also finds, whether
30 governmental services are proposed to be provided by a
31 single-purpose agency, several agencies, or a multipurpose agency,
32 responsibility should be given to the agency or agencies that can
33 best provide government services.